

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL AT NEW DELHI,
(WESTERN ZONE) BENCH AT PUNE**

APPEAL :17/2024

APPLICANT : VISHAL SHANTARAM
DARWATKAR

Vs

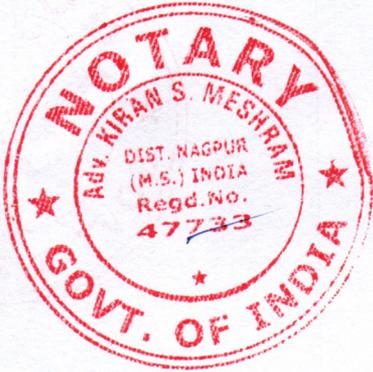
RESPONDENTS: UNION OF INDIA & ORS

**REPLY ON BEHALF OF THE RESPONDENT
NO.2**

Most Respectfully showeth,

The Respondent No.2 in the instant matter most humbly submits;

1. That in response to the instant Appeal preferred by the Applicant under section 16(h) R/w 14,15,18,20 of the National Green Tribunal Act, 2010, The Central Ground Water Authority (the Respondent No.2 herein and hereinafter referred to as a Answering Respondent) submits its reply to the averments in the Application



which be considered without prejudice to one another.

2. Central Ground Water Board was constituted as Central Ground Water Authority (CGWA) (Answering Respondent) under sub- Section (3) of Section 3 of the Environment (Protection) Act, 1986 in 1997 for regulation and control of ground water management and development in the country. As part of streamlining the regulatory function of CGWA, district magistrates / deputy commissioners of revenue districts were appointed as authorized officers for grant of permission for extraction of ground water for drinking/domestic uses in notified areas. They have been advised to process requests for grant of permission for extraction of ground water for drinking/domestic purposes in notified areas as per guidelines issued by CGWA.



3. Central Ground Water Authority has also framed revised guidelines for grant of NOC for ground water abstraction by industries/projects in the country. Central Ground Water Authority has been entrusted with the responsibility of regulating and controlling ground water development and management in the country and issuing necessary directives for the purpose.

4. In pursuance to the notification issued by the Ministry of Jal Shakti dated 24/09/2020, it is obligatory upon all the new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting projects abstracting ground water unless exempted under the notification to seek the No Objection Certificate from the Answering Respondent. This is also obligatory upon the Residential Apartments/Group Housing Societies/Govt Water supply agencies in urban areas.



5. The Answering Respondent submits that it was obligatory upon the Respondent No.14 to obtain the No Objection Certificate from the Answering Respondent in view of the Notification dated 24/09/2020 issued by the Ministry of Jal Shakti and the various guidelines issued by the Answering Respondent, if it extracts the ground water.

6. From the documents annexed with the Application it could be gathered that it was obligatory upon the Respondent No.14 to obtain the No Objection Certificate from the Answering Respondent in view of the Notification dated 24/09/2020 issued by the Ministry of Jal Shakti and the various guidelines issued by the Answering Respondent. However, the Answering Respondent states that the Respondent No. 14 neither had obtained the No Objection nor even had applied for it with the Answering



Respondent. Unless shown otherwise, it is pretty clear that the Respondent No.14 had violated the guidelines issued by the Answering Respondent.

7. The officers from answering Respondent carried out site inspection of the Project on 09/05/24 wherein the existence of one Borewell was found. When asked for the NOC, the PP could not produce it.

8. Thus, the letter was issued to the District Collector, Pune dated 18/07/2024 for initiating the action against the project proponent for imposing the penalty as well as sealing the existing ground water abstraction structure. The copy of the letter is annexed hereto and marked as ANNEXURE-A.

9. Thereafter The Answering Respondent had issued the show cause notice dt 25/07/25 to the Respondent No.14 the project Proponent directing him to apply for the No objection



Certificate and also directing him to show cause as to why his ground water abstraction structure should not be sealed. The copy of the show cause notice is annexed hereto and marked as **ANNEXURE-B.**

10. The Answering Respondent submits that it is obligatory for every housing project existing or new to obtain the 'No Objection Certificate' from the Answering Respondent as per the notification dated 24/09/2020 issued by the Ministry of Jal Shakti as well as the various guidelines issued by the Answering Respondent. The Respondent No. 14 has not yet obtained such certificate from the Answering Respondent nor has preferred any application regarding the same.

Pune:

Dated:



For Central Ground
Water Authority
(Respondent No.2)

पोर्णिमा बाराहाते / Pournima Barahate
वैज्ञानिक-घ / Scientist-D
भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board
मध्य क्षेत्र, नागपुर / Central Region, Nagpur



Att & Adv

Counsel for Respondent No.2

Solemn Affirmation

I Pournima Barahate D/o Tarachand Barahate, aged about 40 yrs, Occu.: Scientist-D, R/o Nagpur do hereby take oath and state on solemn affirmation:

That I am working as Scientist-D in Central Ground Water Board having office at Central Ground Water Board, New Secretariat Building, Opp. VCA Stadium, Civil Lines Nagpur, the Respondent No.2 herein. I am conversant with the facts of the present case and therefore able to depose the same.

I say that the Counsel as per my instructions has drafted the above Reply. I have gone through the contents of the above said Reply and understood the same. I say that the contents of the Reply are true to my knowledge and as per the records of the Authority which I believe to be true. As far as the legal submissions herein are concerned the same are correct as advised by my counsel. The contents



of the Reply are explained to me in vernacular which I found to be correct. Hence, signed and verified at Nagpur on 28rd day of January, 2026.

Barahate

Deponent

पोर्णिमा बाराहाते / Pournima Barahate
वैज्ञानिक-घ / Scientist-D
भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board
मध्य क्षेत्र, नागपुर / Central Region, Nagpur

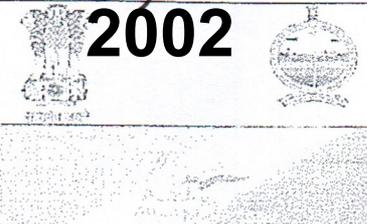
I know & Identify the Deponent

Atul J Pathak

(Atul J Pathak)
Advocate

N.R.S. No. _____
Solemnly Affirmed Before Me By
Shri / Smt. *(P.N.) Barahate*
Who is Identified by
Shri / Smt. *self*
_____ Advocate when I
Personally Known
Dt. *28/1/2026*



<p>भारत सरकार जल शक्ति मंत्रालय जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग केन्द्रीय भूजल प्राधिकरण</p>	<p style="text-align: center;">- 9 - 2002</p> 	<p>Government of India Ministry of Jal Shakti Department of Water Resources, River Development & Ganga Rejuvenation Central Ground Water Authority</p>
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संख्या / No. 7/29/CGWB/CR/Authority- 669

दिनांक / Date: 18 /07/2024

18 JUL 2024

To,
The District Collector
Collectorate Office
New Collector Office Building
Opposite Sassoon Hospital, Railway Station Rd,
Pune – 411 001 (Maharashtra)

Sub: Illegal Ground Water Withdrawal by Project M/S. Sai Shraddha Developer, for the project 'Meriton Towers' Ambegaon Bk., Taluka Haveli, District Pune- reg.

Sir,

Please find enclosed the above referred NGT case (Appeal No. 17 of 2024) sent by appellant Shri. Vishal Shantaram Darwatkar about illegal ground water extraction by the project M/S. Sai Shraddha Developer, for the project 'Meriton Towers' Ambegaon Bk., Taluka Haveli, District Pune. Since the matter pertains to illegal extraction of ground water in Pune district, also Hon'ble NGT is taking serious view of no action taken against the illegal extraction of ground water in the court cases filed before Hon'ble NGT.

In this regard, it is requested to take action against the project M/S. Sai Shraddha Developer without valid CGWA NOC located in your districts. Also, they may be asked to apply for CGWA NOC for ground water abstraction at the earliest through online portal of CGWA (<https://cgwa-noc.gov.in>).

As per the new notified guidelines of CGWA dated 24.09.2020 and CGWA, New Delhi order dated 23-10-2017, the District Collectors / Deputy Commissioners are authorized to initiate action in case of violation like sealing of the abstraction structures, imposition of Penalty, Environmental Compensation for illegal withdrawal of ground water, launching of prosecution against offenders etc.

Encl: 1. NGT case (Appeal No. 17 of 2024).
2. DC \ DM Authorization letter dated 23/10/2017

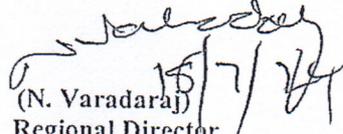
Yours faithfully

o/c

(N. Varadaraj)
Regional Director

Copy to:

1. The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400 022.
2. The Member, CGWA, Gallery No. 18/11, Jamnagar House, Mansingh Road, New Delhi – 110 001.
3. M/S. Sai Shraddha Developer, for the project 'Meriton Towers' Ambegaon Bk., Taluka Haveli, District Pune- 411046.


(N. Varadaraj)
Regional Director



सत्यमेव जयते

भारत सरकार
2003
Government of India

जल शक्ति मंत्रालय

Ministry of Jal Shakti

जलसंसाधन, नदी विकास एवं गंगा संरक्षण विभाग

Department of Water Resources, River Development and Ganga Rejuvenation

केन्द्रीय भूमी जल बोर्ड/Central Ground Water Board

ANNEXURE -B'



File No. 7/29/CGWB/CR/Authority- 1943

Date: 25.07.2024

SHOW CAUSE NOTICE

Whereas the Central Ground Water Authority has issued public notices directing all the existing ground water users to apply for No Objection Certificate for ground water withdrawal.

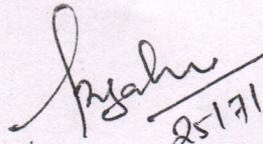
And whereas, it has been brought to the notice of Authority that **M/S. Sai Shraddha Developers**, Meriton Towers, Ambegaon Bk., Haveli Taluka, Pune-411046 is withdrawing ground water without obtaining NOC from the Authority.

Now therefore, the Authority in exercise of powers under section 5 of the Environment (Protection) Act, 1986 hereby directs you to show cause as why your ground water abstraction structures (dugwell/borewell/tubewell/dewatering structure) should not be sealed for illegal withdrawal of ground water. You are hereby given an opportunity to submit explanation within 15 days from the date of receipt of this notice, and directed to apply for CGWA NOC for ground water extraction at the earliest through online portal of CGWA (cgwa-bhuneer.mowr.gov.in), failing which you will be liable to face legal action for illegal withdrawal of ground water as per notified Guidelines No. S.O. 3289(E), dated 24.09.2020, Ministry of Jal Shakti, Department of Water Resources, River Development & Ganga Rejuvenation, Government of India. Please note that failure to submit a response will be understood that you have nothing to say in your defense.

To,

M/S. SAI SHRADDHA DEVELOPERS

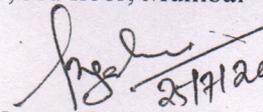
Meriton Towers, Ambegaon Bk., Haveli Taluka,
District- Pune, MAHARASHTRA – 411046

o/c 
25/7/2025

(Bhagyashree Sahoo)
Scientist-B
for Regional Director

Copy to:

1. The District Collector, Collectorate Office Building, GVFC+9C7, Finance Rd, Agarkar Nagar, Pune, Maharashtra 411001, for necessary action.
2. Regional Officer, Maharashtra Pollution Control Board (MPCB), Jog Center, 3rd floor, Mumbai Pune Road, Wakdewadi, Pune, Maharashtra 411003.

o/c 
25/7/2025

(Bhagyashree Sahoo)
Scientist-B
for Regional Director